

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1928.02
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	June 4, 2002
DATE OF REPORT:	July 3, 2002
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	August 20, 2002

COMPLAINT ISSUES:

Whether the Lake Station Community Schools and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, failing to implement the behavioral intervention plan (BIP) as written.

FINDINGS OF FACT:

1. The student is 7 years old, has completed first grade, and is eligible for special education and related services under the category of learning disability.
2. The Complainant contends that the Student's behavioral intervention plan (BIP) was not implemented as written and asserts that: (a) the School did not contact her when there was a problem with the Student's behavior; (b) School staff did not teach appropriate behaviors; and (c) School staff did not reinforce appropriate behaviors.
3. A BIP was not included as part of the Student's IEP until the case conference committee ("CCC") developed a "temporary" BIP on March 4, 2002, prior to completion of a Functional Behavioral Assessment. Among other things, the BIP included group instruction for social skills by a behavior specialist; time-out in the office for hitting and a call to the mother; continuation of the daily communication calendar between home and school; and having the Student complete a disciplinary behavior change form ("responsibility sheet") for identifying replacement behaviors after any classroom incident.
4. On March 19, 2002, the CCC reviewed the FBA and finalized the BIP to be included with the Student's IEP. The BIP contained the following strategies:
 - a. Interventions: Classroom behavior plan; explain replacement behaviors; implement behavioral contract; redirection; verbal prompts; explain behavior and consequences before and after the incident occurs; and at-home reward.
 - b. Environmental: Isolation; quiet time/time out; redirection; close teacher/adult proximity; instruct/implement 2 arm distance; daily behavior note home to parents; and time out/cool down area.
 - c. Consequences: At-home isolation for remainder of the day; loss of free time/recess; quiet time/time out; referral to counseling; and verbal warning.
 - d. Other: Complete a "responsibility sheet"; processing questions; referral to the principal's office; in school suspension/out of school suspension; contact parent to pick up at school; parent to provide at-home consequences; and suspension not to exceed 10 days.

- e. Crisis Contingency Plan: If the Student is physically aggressive, he will be referred to the principal's office and his parents will be contacted to pick him up from school.
5. Although the Complainant asserts that the school did not contact her when there was a problem with the Student's behavior, she was unable to identify a specific instance in which she believed contact was required by the BIP and the School failed to implement it appropriately. The School consistently utilized a daily written communication system to provide the Complainant with information about the Student's behavior. The communication log includes positive comments about the Student's appropriate behaviors, as well as information about inappropriate behaviors and the consequences for those behaviors. The Complainant was contacted when it was necessary to remove the Student from the School environment.
 6. The Complainant asserts that the School did not teach the Student appropriate behaviors, although she is unable to identify a specific instance in which the School failed to do this. In implementing the interventions identified in the BIP, the Student's teacher utilized "responsibility sheets" as behavior change activities in which the student answered questions to identify appropriate behaviors after he had acted inappropriately. The teacher also used the other interventions as needed in order to help the Student learn the difference between inappropriate and appropriate behaviors. The Student received social skills training with a therapist from March 4 until May 9, 2002, when the Student was involved in an incident of aggression against another Student. The Complainant took the Student from School that day, refused to sign the discipline referral form, and would not permit the Student to continue the social skills training with the therapist.

CONCLUSION:

Findings of Facts #2 through #6 reflect that the School implemented the Student's BIP as written. The School contacted the Complainant when it was necessary to remove the Student from School and provided social skills training and other interventions in an attempt to help the Student develop appropriate behaviors. Therefore, no violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners, requires no corrective action based on the Findings of Fact and Conclusions listed above.